




U.S. Department of Justice

Washington, D.C. 20530

JUL 25 2008

MEMORANDUM FOR HEADS OF DEPARTMENT COMPONENTS

FROM: Lee J. Lofthus
Assistant Attorney General
for Administration 

SUBJECT: Authority to Waive the 5 U.S.C. § 5547 Premium
Pay Limitation for Certain Work Performed Overseas

The Attorney General recently approved the attached delegation of authority to Component Heads to waive the normal limitation on total basic and premium pay under 5 U.S.C. § 5547, and apply an alternative annual limitation of \$212,100, retroactive to December 31, 2007. This authority applies to employees who perform work overseas in areas subject to the responsibility of the Commander of the Central Command (CENTCOM) operations, which directly supports or relates to these operations of CENTCOM, or responds to an emergency declared by the President in calendar year 2008.

Forthcoming are detailed instructions to your Component's Human Resources Officer regarding the implementation of this authority. If there are questions, they may contact Rodney Markham, Director, Human Resources, on (202) 514-4350, or by e-mail at Rodney.Markham@usdoj.gov

Attachment




Office of the Attorney General
Washington, D.C.

ORDER NO. 2981-2008

DELEGATION OF AUTHORITY TO
WAIVE PREMIUM PAY
LIMITATION FOR CERTAIN WORK
PERFORMED OVERSEAS

By virtue of the authority vested in me as Attorney General, including 28 U.S.C. §§ 509 and 510, and Pub. L. No. 109-163, § 1105 (2006), *as amended by* Pub. L. No. 109-364, § 1105 (2006), *and by* Pub. L. No. 110-181, § 1101 (2008), I hereby delegate to the head of each Department component the authority to waive the premium pay limitation contained in 5 U.S.C. § 5547, and apply an alternative limit of up to \$212,100 for employees who perform work overseas during calendar year 2008, "while in an overseas location that is in the area of responsibility of the Commander of the U.S. Central Command, in direct support of, or directly related to a military operation (including a contingency operation as defined by section 101(13) of Title 10, United States Code) . . . or an operation in response to an emergency declared by the President." Each component head exercising this authority shall document and maintain a record of each such waiver.

July 16, 2008
Date


Michael B. Mukasey
Attorney General



U.S. Department of Justice

Office of Legal Counsel

Office of the Principal Deputy Assistant Attorney General

Washington, D.C. 20530

July 1, 2008

MEMORANDUM FOR MICHAEL B. MUKASEY
Attorney General

Re: Proposed Attorney General Order Delegating
Authority to Component Heads to Waive Premium
Pay Limitation for Certain Work Performed Overseas

ACTION MEMORANDUM

The attached proposed Attorney General order was prepared by the Justice Management Division and submitted to this Office for review with respect to form and legality. The Attorney General may waive statutory limitations on premium pay for work, performed overseas in an area of responsibility of the Commander of the Central Command, that is in direct support of or direct relation to certain military operations or an operation in response to an emergency declared by the President. *See* Pub. L. No. 109-163 (2006), *as amended by* Pub. L. No. 109-364, § 1105 (2006), *and by* Pub. L. No. 110-181, § 1101 (2008). The proposed order would delegate this authority to the head of each Department component. Each component head exercising this delegated authority would have to document and maintain a record of each waiver granted.

The proposed order is approved with respect to form and legality.

A handwritten signature in black ink, reading "Steven G. Bradbury".

Steven G. Bradbury
Principal Deputy Assistant Attorney General



U.S. Department of Justice

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MAY 21 2008

Washington, D.C. 20530

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL *BAF MP 7/7/08*

FROM: Lee J. Lofthus *[Signature]*
Assistant Attorney General
for Administration

SUBJECT: Request for Delegation of Authority to Waive the Premium Pay Limitation
for Certain Work Performed Overseas

PURPOSE: To obtain your signature on a proposed delegation of authority to Component Heads to waive the limitation on total basic pay and premium pay under 5 U.S.C. § 5547, and apply an alternative limit of up to \$212,100 in calendar year 2008, when a Component assigns an employee to perform work overseas in direct support of, or directly related to certain military operations or in response to an emergency declared by the President. This delegation is renewed annually.

TIMETABLE: Signature is requested as soon as possible.

DISCUSSION: In accordance with 5 U.S.C. § 5547, there is a statutory cap on premium pay for General Schedule employees limiting their total pay to the higher of either the maximum rate of a GS-15 (including locality pay) or Level V of the Executive Schedule. For calendar year 2008, an agency head may waive that cap for an employee who performs work overseas, in an area of responsibility of the Commander of the Central Command, in direct support of, or directly related to certain military operations or in response to an emergency declared by the President. In this circumstance, an employee may earn up to \$212,100 (Section 1105 of Pub. L. No. 109-163, (2006) *as amended by* Pub.L. No. 109-364, § 1105 (2006) *and by* Pub.L. No. 110-181 §1101 (2008)).

The Drug Enforcement Administration, Federal Bureau of Investigation, U.S. Marshals Service, and other Components seek authority to grant waivers to those employees who qualify for such waivers. Attached is an order granting authority to Component Heads to waive the cap when an employee meets the statutory requirements. The order requires Components to document their actions.

Memorandum for the Attorney General

Page 2

Subject: Request for Delegation of Authority to Waive
Premium Pay Limitation for Certain Work Performed Overseas

RECOMMENDATION: The Attorney General approve the delegation of authority to
Component Heads to waive the premium pay limitation and apply an alternative limitation of
\$212,100 for calendar year 2008.

APPROVE: 

July 16, 2008

Concurring Components:

None

DISAPPROVE: _____

Nonconcurring Components:

None

OTHER: _____

Attachment